

1 E. MARTIN ESTRADA
2 United States Attorney
3 SCOTT M. GARRINGER
4 Assistant United States Attorney
5 Chief, Criminal Division
6 ELI A. ALCARAZ (Cal. Bar No. 288594)
7 Assistant United States Attorney
8 Deputy Chief, Riverside Branch Office
9 3403 Tenth Street, Suite 200
10 Riverside, California 92501
11 Telephone: (951) 276-6938
Facsimile: (951) 276-6202
Email: Eli.Alcaraz@usdoj.gov
12 FRANCES S. LEWIS (Cal. Bar No. 291055)
13 Assistant United States Attorney
Deputy Chief, General Crimes Section
312 North Spring Street, 11th Floor
Los Angeles, California 90012
Telephone: (213) 894-4850
Facsimile: (213) 894-0141
Email: Frances.Lewis@usdoj.gov

14 Attorneys for Plaintiff
15 UNITED STATES OF AMERICA

16 UNITED STATES OF AMERICA, ED CR No. 18-231-JGB
17 Plaintiff, [PROPOSED] ORDER (1) MEMORIALIZING
18 v. CONTINUANCE OF TRIAL DATE AND
19 JOHN JACOB OLIVAS, (2) MAKING FINDINGS OF EXCLUDABLE
20 Defendant. TIME PERIODS PURSUANT TO SPEEDY
21 TRIAL ACT
22
23 **TRIAL DATE:**
October 25, 2022 at 9:00 a.m.
24 **STATUS CONFERENCE DATE:**
October 17, 2022 at 2:00 p.m.

25 The Court has read and considered the Stipulation for Order
26 (1) Memorializing Continuance of Trial Date and (2) Making Findings
27 of Excludable Time Periods Pursuant to Speedy Trial Act, filed by the
28 parties in this matter on September 26, 2022. The Court hereby finds
that the Stipulation, which this Court incorporates by reference into

1 this Order, and defendant John Jacob Olivas's August 31, 2022, and
2 September 1, 2022, ex parte filings requesting a continuance, which
3 this Court incorporates by reference into this Order, demonstrate
4 facts that support a continuance of the trial date in this matter,
5 and provides good cause for a finding of excludable time pursuant to
6 the Speedy Trial Act, 18 U.S.C. § 3161.

7 The Court further finds that: (i) the ends of justice served by
8 the continuance outweigh the best interest of the public and
9 defendant in a speedy trial; (ii) failure to grant the continuance
10 would be likely to make a continuation of the proceeding impossible,
11 or result in a miscarriage of justice; and (iii) failure to grant the
12 continuance would unreasonably deny defendant continuity of counsel
13 and would deny defense counsel the reasonable time necessary for
14 effective preparation, taking into account the exercise of due
15 diligence.

16 THEREFORE, FOR GOOD CAUSE SHOWN:

17 1. The retrial in this matter is continued from September 20,
18 2022, to October 25, 2022, at 9:00 a.m. The status conference
19 hearing is continued to October 17, 2022, at 2:00 p.m.

20 2. The time period of September 20, 2022, to October 25, 2022,
21 inclusive, is excluded in computing the time within which the trial
22 must commence, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i),
23 and (h)(7)(B)(iv).

24 3. The time period of August 15, 2022, to the date of the
25 Court's ruling on the pending government's motions, inclusive, is
26 excluded in computing the time within which the trial must commence,
27 pursuant to 18 U.S.C. § 3161(h)(1)(D), because it constitutes a delay

1 resulting from a pretrial motion, from the filing of the motion
2 through the prompt resolution of the motion.

3 4. Defendant shall appear in Courtroom 1 of the Federal
4 Courthouse, 3470 Twelfth Street, Riverside, California on October 17,
5 2022, at 2:00 p.m. and October 25, 2022, at 9:00 a.m.

6 5. Nothing in this Order shall preclude a finding that other
7 provisions of the Speedy Trial Act dictate that additional time
8 periods are excluded from the period within which trial must
9 commence. Moreover, the same provisions and/or other provisions of
10 the Speedy Trial Act may in the future authorize the exclusion of
11 additional time periods from the period within which trial must
12 commence.

13 IT IS SO ORDERED.

14
15 DATE

HONORABLE JESÚS G. BERNAL
UNITED STATES DISTRICT JUDGE

16
17
18
19 Presented by:

20 /s/

21 ELI A. ALCARAZ
FRANCES S. LEWIS
22 Assistant United States Attorneys

23

24

25

26

27

28